

COHENMILSTEIN

August 31, 2023

VIA ECF

The Honorable Jesse M. Furman
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

Re: *Krohnengold et al. v. New York Life Inc. Co. et al.*, No. 1:21-cv-01778-JMF

Dear Judge Furman,

Pursuant to Paragraph 26(a) of the Stipulation and Confidentiality Order (“Confidentiality Order”) in this action (ECF 84), and Rule 7 of the Court’s Individual Rules of Practice for Civil Cases, Plaintiffs respectfully request to leave to file under seal the following materials in connection with their Reply in Support of Motion for Class Certification (“Reply”):

LCG_Associates_00000118 and 122¹ (Exhibit 3 to the Declaration of Jacob Schutz)
LCG_Associates_00046726 (Exhibit 9 to the Schutz Declaration)
LCG_Associates_00020498 (Exhibit 12 to the Schutz Declaration)
LCG_Associates_00016069 (Exhibit 13 to the Schutz Declaration)
LCG_Associates_00000020 (Exhibit 21 to the Schutz Declaration)
Brian Falco Deposition, page 35 (Exhibit 19 to the Schutz Declaration)
Unredacted copy of Plaintiffs’ Reply

Plaintiffs seek to file these materials under seal because (1) the referenced documents all have been designated “Confidential” by third-party LCG Associates (“LCG”) pursuant to the Protective Order; (2) the Falco deposition is deemed confidential under Paragraph 15 of the Confidentiality Order because the transcript is less than 30 days old; and (3) the Reply references the above-listed confidential documents and transcript page.

Plaintiffs have met and conferred with both Defendants and LCG regarding the filing of these materials. Defendants have indicated that they do not object to filing these materials on the public record, but LCG has indicated that it wishes these materials to be filed under seal. Plaintiffs have provided LCG with a copy of the Protective Order and advised LCG that it is required to submit a separate letter-motion justifying the sealing of these materials within three days of Plaintiffs’ filing. *See* Confidentiality Order, ¶ 26(a); Individual Practice Rule 7.C. In the meantime, Plaintiffs are filing a redacted version of their Reply via ECF, and are submitting slip sheets in place of the confidential documents and transcript page, in accordance with the Confidentiality Order and this Court’s Individual Practice Rules.

Full copies of the confidential documents, transcript page, and unredacted Reply (with the redactions to the Reply highlighted) are also being contemporaneously filed under seal pending

¹ All referenced bates numbers refer to the beginning bates number of the document.

resolution of the letter motion, so the Court may review them, pursuant to the Confidentiality Order and the Court's Individual Practice Rules.

Respectfully Submitted,

/s/ Kai Richter

Kai Richter

cc: All counsel of record (via ECF)
Counsel for third-party LCG, Tamara Baggett (via email)

The motion to seal is granted temporarily. The Court will assess whether to keep the materials at issue sealed or redacted when deciding the underlying motion. The Clerk of Court is directed to terminate ECF No. 150.

SO ORDERED.

A handwritten signature in black ink, appearing to read "J. M. F. Richter", with a long horizontal flourish extending to the right.

August 31, 2023